

JUL 12 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. J.P. McCluskey
Executive-Vice President
Cotter Corporation
12596 West Bayaud, Suite 350
Lakewood, Colorado 80228

File: Westlake Landfill
ID #MAD07990932
Break: 11.6
Other: Cotter Corp.
0714 7-12-91



40057632
SUPERFUND RECORDS

RE: CERCLA 104(e) Information Requests to Cotter Corporation.

Dear Mr. McCluskey:

The United States Environmental Protection Agency (EPA) is currently investigating the source, nature, and extent of the release or threatened release of hazardous substances, pollutants, contaminants, or hazardous wastes at the West Lake Landfill in Bridgeton, Missouri ("the site"). This investigation requires inquiry into the: (1) identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at, or transported to, the site; and, (2) the nature and extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from the site. The site is located near the intersection of I-70 and I-270 in Bridgeton, Missouri, which is a suburb of St. Louis, Missouri. The U.S. Nuclear Regulatory Commission ("NRC") has performed investigations at the site which have revealed the presence of hazardous substances (radioactive material) in the soil and groundwater.

Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9604(e) ("CERCLA") as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA") gives EPA the authority to require any person who has or may have information relevant to materials generated, treated, stored, or disposed of or transported to the site, the nature and extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from the site, or the ability of a person to pay for or perform a cleanup of the site to furnish such information to EPA upon reasonable notice. Accordingly, to aid EPA in its investigation, you are hereby requested to provide the following information within twenty (20) days of receipt of this letter.

WSTM:SPFD:SAFE:NEWMAN:dln:7/8/91:g:\user\share\dnewman\Cotter.104

SAFE	SAFE	SAFE	CNSL	CNSL	SPFD	WSTM jor
NEWMAN	SHEEHY	FLOURNOY	HOEFER	SCHILLER	MORBY	WAGONER

D Newman
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MORBY
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WAGONER
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COT 0051

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INSTRUCTIONS

In responding to the requests for information, please describe the source of your information.

1. You are required to provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request.
2. Precede each answer with the number of the question to which it corresponds.
3. If information or documents not known or not available to you on the date of submission of your response to this Information Request should become known or available to you at a later date, you must supplement your response to EPA. Moreover, should you find at any time after the submission of this response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, identify the document and indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F); Section 3007(b) of RCRA, 42 U.S.C. § 6927(b); and 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
6. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h)(1988), notwithstanding your assertion that all or part of it is

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confidential business information. Please be advised that EPA intends to disclose all response to this Information Request to its contractor, which EPA has retained to organize and analyze the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within (10) days of receiving this Information Request.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this information request:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, unincorporated association, partnership, corporation, trust or other entity.
3. The terms "the site" or "the facility" shall mean and include the property on or about the West Lake Landfill located near the intersection of I-70 and I-270 in Bridgeton, Missouri, which is a suburb of St. Louis, Missouri.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
5. The term "pollutant or contaminant," shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances, including petroleum products.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
8. The term "waste" shall mean hazardous waste and/or solid waste.
9. The term "materials" shall mean all substances that have been generated, treated, stored, disposed of, or otherwise handled at, or transported to the Site; including, but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes as defined above.

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10. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.

11. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous wastes.

12. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

13. The term "identify" means, with respect to a corporation partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

15. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.

16. The terms "document" and "documents" shall include: (a) writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any contract, permit, license, invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents; (b) microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; (c) any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to

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use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (d) (1) every copy of each document which is not an exact duplicate of a document which is produced, (2) every copy which has any writing, figure or notation, annotation or the like of it, (3) drafts, (4) attachments to or enclosures with any document and (5) every document referred to in any other document.

17. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

18. The term "arrangement" means every separate contract or other agreement between two or more persons.

19. The terms "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.

20. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

21. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. or regulatory definitions shall apply.

FINANCIAL BACKGROUND DEFINITIONS

22. The term "property interest" means any interest in property, including but not limited to, any ownership interest, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.

23. The term "asset" shall include the following; real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

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REQUESTS FOR INFORMATION

The following information requests are directed to Cotter Corporation ("Respondent"):

1. Identify each person who assisted, or is assisting, in the preparation of the answers to this request for information.
2. Identify, if not you, the official or representative of Respondent to contact regarding the requested information.
3. Please provide the following information:
 - 3.1 The full and correct name of Respondent;
 - 3.2 The date of its incorporation or formation;
 - 3.3 The state of its incorporation or formation;
 - 3.4 The nature of its business;
 - 3.5 Respondent's principal place of business; and
 - 3.6 Names and addresses of Respondent's officers and directors.
 - 3.7 Respondent's parent corporation or organization.
4. If Respondent has any subsidiaries or affiliates, please state the following with respect to each subsidiary or affiliate:
 - 4.1 The full and correct name of each;
 - 4.2 The address of its principal place of business;
 - 4.3 If a corporation, the state of its incorporation;
 - 4.4 Its relationship to Respondent's business or corporation;
 - 4.5 The name, address, and title of each officer and director;
 - 4.6 The name and address of the resident agent; and
 - 4.7 The principal business in which such entity is involved.
5. If Respondent is a subsidiary of, a division of, a franchise of or part of the organization of any other corporation, entity or organization, please state the following with regard to each such corporation, entity or organization:

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- 5.1 Its relationship to Respondent's entity, organization, or corporation;
 - 5.2 Its principal office;
 - 5.3 The state of its incorporation or organization;
 - 5.4 The date of its incorporation or organization;
 - 5.5 Its principal business;
 - 5.6 The commencement date of its relationship with Respondent's entity, organization, or corporation; and
 - 5.7 Names and addresses of its officers and directors.
6. Describe any clean-up or removal of hazardous substances as defined in CERCLA § 101(14); 42 U.S.C. § 9601(14), at the site.
7. What arrangements were made to transport these hazardous substances?
8. With respect to all hazardous substances disposed of at the West Lake Landfill by Respondent, provide the following information:
- 8.1 Time period or periods over which each of these substances was disposed;
 - 8.2 Quantity (weight and volume) of each of these wastes disposed;
 - 8.3 Nature and condition of any containers in which these wastes were placed prior to disposal;
 - 8.4 List of transporters for each of these wastes, including company name, address, telephone number, and EPA identification number;
 - 8.5 Results of any sample analyses performed on these wastes prior to disposal; and
 - 8.6 Results of any sampling analyses performed on these wastes subsequent to disposal.
9. Provide names, titles, addresses, and telephone numbers of employees or agents who were involved in making arrangements concerning the hauling and disposal of hazardous wastes and/or substances into the West Lake Landfill Site. Such individuals might include contracting officers, foreman, bookkeepers, accountants, facility workers, etc.

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10. Provide details of the relationship(s) between Respondent, West Lake Landfill, Inc., Rock Road Industries, Inc., West Lake Quarry and Material Company, West Lake Ready Mix Company, Red Bird Ready Mix Company, Laidlaw Waste Systems (Bridgeton), Inc., Laidlaw Waste Systems, Inc., the Archdiocese of St. Louis, the Shrine of St. Jude, and the Society for the Propagation of Faith.

11. Identify all persons contracted to haul or dispose of hazardous substances and methods utilized for hauling or transporting material for Respondent. List dates that the individuals were utilized to provide such services and provide copies of all relevant records documenting such services.

12. Did the Respondent direct any transporter(s) to dispose of its radioactive material at a designated site? If so, identify the designated site.

13. What is the relationship of Respondent and B&K Construction?

14. Provide names, telephone numbers, and addresses of persons with knowledge of B&K Construction.

15. Provide a description of any manufacturing or processing activities that utilized hazardous substances.

16. Provide copies of boring logs, geologic reports, well logs, well locations, soil samples, and all sampling data including sampling locations of all such samples for the site.

17. Provide a description of the method of waste disposal (e.g. whether the waste was compacted or crushed prior to disposal), the thickness of waste deposited, and the amount of clean cover on top of the waste.

18. Provide narrative and documentary information as to any waste Respondent or West Lake Landfill, has ever had transported offsite, including but not limited to:

18.1 Shipping manifests;

18.2 Shipping logs;

18.3 Receipts;

18.4 Weight tickets; and/or

18.5 Permits.

19. Provide the names, addresses, and telephone numbers of all persons responsible for the financial recordkeeping for Respondent, past and present.

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20. Provide copies of the meeting minutes of the corporate directors' meetings, for all the years during which Respondent held an interest or was affiliated with the site.

21. Do you have any knowledge of releases of hazardous wastes or hazardous constituents (see 40 C.F.R. Part 261, Appendix VIII) into the environment (air, surface water, groundwater, or soil) from the site at any time in the past or present? If yes, provide a complete description of each release, including but not limited to:

21.1 Location of release;

21.2 Waste or constituents released;

21.3 Quantities of release;

21.4 Date of release;

21.5 Cause of release;

21.6 Environmental impact of release and response;

21.7 Response actions taken; and

21.8 Measures taken to prevent the recurrence of release.

22. Provide a detailed description of the area where Respondent deposited radioactive materials at West Lake Landfill, including a legal description.

23. Describe in detail, the relationship between West Lake Landfill, Inc., and the Respondent, regarding the disposal of hazardous substances at West Lake Landfill.

24. Provide information describing the location and amount of radioactive waste disposed at West Lake Landfill. Provide information about the ownership of the radioactive waste before its disposal at the landfill.

25. Provide a list of all Federal, State and/or local permits with their respective numbers, contracts, licenses, or agreements which involved the disposal of, transporting of, or ownership of hazardous substances and/or hazardous wastes by the Respondent.

26. Is Respondent covered by any type of liability insurance for sudden or non-sudden accidental releases of any hazardous substances or constituents or for any other liability resulting from your facility's handling of solvents, acids, metals or other hazardous substances? If so, please state:

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- 26.1 The name and address of the insurer;
 - 26.2 The number of the policy;
 - 26.3 The effective dates of the policy;
 - 26.4 The limits of liability; and
 - 26.5 The name and address of the custodian of the policy.
27. If you are unable to obtain or provide any of the above information, please indicate the names and addresses of those individuals and/or corporations who would possess such information.

Compliance with this information request is mandatory. Failure to respond fully and truthfully to the request within twenty (20) days of receipt of this letter may result in enforcement action by EPA to seek penalties of up to \$25,000 for each day of continued noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA.

Your response to this Information Request should be mailed to:

U.S. EPA, Region VII
Diana L. Newman
Superfund Branch
726 Minnesota Avenue
Kansas City, Kansas 66101
(913) 551-7887

If you have any legal questions, please direct such questions to David Hoefer of the Office of Regional Counsel at (913) 551-7503. If you have any technical questions, please direct such questions to Diana L. Newman, at the above address, or at (913) 551-7887.

Thank you for your cooperation in this matter.

Sincerely yours,

David A. Wagoner
Director
Waste Management Division

cc: Steve Sturgess, MDNR